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09/844,821	04/27/2001	Doo Sang Park	2080-3-18	3336

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EXAMINER
AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
11/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/844,821	PARK, DOO SANG	
	Examiner	Art Unit	
	BENJAMIN AILES	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to correspondence filed 24 September 2009.

2. Claims 19-23 remain pending.

3. With respect to the priority claim and acceptance of the drawings, see office action mailed 10 August 2004.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al. (US 6,359,881 B1), hereinafter referred to as Gerszberg '881, in view of Kondo et al. (US 5,936,941), hereinafter referred to as Kondo, in view of Gerszberg et al. (US 2001/0040621), hereinafter referred to as Gerszberg '621.

6. Regarding claim 19, Gerszberg '881 teaches a method for displaying information on a plurality of terminals connected to a network, the method comprising:

an information server for receiving and storing information (fig. 4B item 183 info server/DBMS and col. 10, ll. 28-34) and the transmission of information to a plurality of terminals (Gerszberg '881, col. 11, ll. 59-61) and wherein each of the plurality of terminals that is in the on-hook status displays the information broadcasted from the information server or unicasted based on a first number of the terminals or in response to determining that less than a second number of terminals in the network are in the on-

hook status on the display unit wherein each of the plurality of terminals that is in the off-hook status does not display the transmitted information during the off-hook status (Gerszberg ‘881, col. 11, ll. 65-66) and the transmitted information comprises at least one of an advertisement, a guide and a bulletin (Gerszberg ‘881, col. 11, ll. 58-62). Gerszberg ‘881 does not explicitly teach (a) “determining a call status of each of the plurality of terminals based on call status information included in call setup information transmitted from each of the plurality of terminals, wherein the call status is one of an on-hook status, wherein the on-hook status indicates that the terminal has not established a communication connection with another terminal for the purpose of communicating voice data, and an off-hook status" and (b) “transmitting the stored information to a plurality of terminals connected to the local network during an on-hook status of each of the plurality of terminals."

(a) With respect to call status determination, Gerszberg ‘881 does not explicitly teach these limitations. However, in related art, Kondo teaches the determination of call status information from call setup information wherein Kondo teaches wherein a communication terminal identifies status information and stores the information at a management terminal (col. 8, ll. 8-34). The status information is retrieved from call setup information that is originally transmitted from a device (col. 8, ll. 30-34). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to determine call status from call setup information as taught by Kondo. One of ordinary skill in the art would have been motivated to combine Kondo with Gerszberg ‘881 wherein Kondo teaches an efficient management method with respect to a plurality of

terminals and enables quick maintenance of the communication terminals (col. 1, ll. 10-16).

(b) With respect to the transmission of stored information during an on-hook status, Gerszberg '881 teaches the transmission of information to the terminal at any point in time, therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to enable information to be transmitted to the videophone while the videophone is in an on-hook condition. This is taught in the art by Gerszberg '621, wherein Gerszberg teaches a very similar videophone wherein information, advertisements, is transmitted to a videophone when it is determined that the videophone is not in use (p. 5, para. 0042) and therefore the videophone is in an on-hook condition. One of ordinary skill in the art would have been motivated to utilize the transmission during an on-hook status wherein Gerszberg teaches that it would have been advantageous to push information to a terminal during low use times in the middle of the night or when the videophone is not in use at all (Gerszberg '621, p. 5, para. 0042).

7. Regarding claim 20, Gerszberg '881, Kondo and Gerszberg '621 teach the method wherein the stored information is transmitted to each of the plurality of terminals based on the call status of a pre-selected one of the plurality of terminals (Gerszberg '881, col. 12, ll. 12-17, delivery of emergency broadcasts and news bulletins to certain users.).

8. Regarding claim 21, Gerszberg ‘881, Kondo and Gerszberg ‘621 teach the method wherein each of the plurality of terminals temporarily stores the transmitted information during the on-hook status (Gerszberg ‘881, col. 8, ll. 44-52).

9. Regarding claim 22, Gerszberg ‘881, Kondo and Gerszberg ‘621 teach the method wherein each of the plurality of terminals displays voice communication-related information during the off-hook status (Gerszberg ‘881, col. 9, ll. 17-27).

10. Regarding claim 23, Gerszberg ‘881, Kondo and Gerszberg ‘621 teach the method wherein the stored information is updated when new information is received (Gerszberg ‘881, col. 12, ll. 12-17, delivery of emergency broadcasts.).

Response to Arguments

11. Applicant's arguments filed 24 September 2009 have been fully considered but they are not persuasive.

12. With respect to the rejection of claims 19-23 under 35 USC 103(a) as being unpatentable over Gerszberg (US 6,359,881), in view of Kondo (US 5,936,941), and further in view of Gerszberg (US 20010040621), applicant argues, with respect to independent claim 19, that (a) Gerszberg ‘881 fails to teach “selectively broadcasting or unicasting to the terminals in the network based on the number of terminals that are in the on-hook status,” and (b) with respect to Kondo, one of ordinary skill would not have been motivated to combine the references together because "the status information in Kondo refers to information that is required by the management terminal to manage the communication terminals such as information related to failures or abnormal operations” and in contrast the claimed “call status information in the pending claims refers to an on-

hook or off-hook status which is related to whether a terminal is being used to make a call."

(a) With respect to the argument that Gerszberg '881 fails to teach "selectively broadcasting or unicasting to the terminals in the network based on the number of terminals that are in the on-hook status," the examiner respectfully disagrees.

First, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "selectively broadcasting or unicasting to the terminals in the network based on the number of terminals that are in the on-hook status") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Gerszberg '881 is not relied upon for teaching the aspect of determining a "number of terminals" that are considered to be in an on-hook status. Gerszberg '881 teaches in col. 11, lines 55-68 the identification of a videotelephone being in an on-hook condition versus an off-hook condition wherein it is taught that a customer's device can be determined to be in either a passive state or an active state. Therefore, Gerszberg '881 teaches on the aspect claimed of having a call status being either in an 'on-hook' or

'off-hook' condition. Kondo is relied upon for teaching the transmission of call status information and not directly the narrow aspect of “on-hook versus off-hook” condition. The Gerszberg ‘881 reference is relied upon for this aspect as set forth above. In combination of Kondo and Gerszberg '881, the Kondo reference teaches the transmission of call status information including specifically "on-hook or off-hook" by incorporation of Gerszberg '881. Kondo teaches in column 8, lines 8-34 the determination of call status information from call setup information wherein Kondo teaches wherein a communication terminal identifies status information and stores the information at a management terminal. The status information is retrieved from call setup information that is originally transmitted from a device. Therefore, by way of combination, the cited prior art is found to teach “selectively broadcasting or unicasting to the terminals in the network based on the number of terminals that are in the on-hook status.” Therefore, the rejection as set forth above with respect to claim 19 has been maintained.

(b) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kondo is relied upon for teaching the transmission of call status information and not directly the narrow

aspect of “on-hook versus off-hook” condition. The Gerszberg ‘881 reference is relied upon for this aspect as set forth above. In combination of Kondo and Gerszberg '881, the Kondo reference teaches the transmission of call status information including specifically "on-hook or off-hook" by incorporation of Gerszberg '881. Kondo teaches in column 8, lines 8-34 the determination of call status information from call setup information wherein Kondo teaches wherein a communication terminal identifies status information and stores the information at a management terminal. The status information is retrieved from call setup information that is originally transmitted from a device. The examiner submits that one of ordinary skill in the art would have found it obvious to transmit call status information wherein Kondo teaches in column 1, lines 10-16 an efficient management method with respect to a plurality of terminals and enables quick maintenance of the communication terminals.

Therefore, the examiner submits that claims 19-23 are not deemed patentable over the cited prior art of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Ailes whose telephone number is (571)272-3899. The examiner can normally be reached Monday-Friday, IFP Hoteling schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on 571-272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. A./
Examiner, Art Unit 2442

/Benjamin R Bruckart/
Primary Examiner, Art Unit 2446